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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF NEW YORK**

AMER SULIEMAN,

Plaintiff,

vs.

JEBARA IGBARA, JOUMANA DANOUN, AND  
MOTASHEM KHALIL

Defendants

1:20-cv-6032

**NOTICE OF MOTION TO  
DISMISS PURSUANT TO F.R.C.P. 9(b) &  
12(b)(6).**

**PLEASE TAKE NOTICE** that, upon the annexed declaration of Alexander F. Duke, affirmed on June 1, 2021, the Memo of Law, and upon the exhibits attached thereto, Defendant MOTASHEM KHALIL will move this Court, before the Honorable Diane Gujarati, on **July 6, 2021**, for an order and judgment dismissing the Amended Complaint against him, with prejudice, and for such other relief as this Court may deem proper, on the following grounds:

- 1) Failure to state a claim upon which relief can be granted, requiring dismissal of the Amended Complaint against him, pursuant to F.R.C.P. 12(b)(6); and
- 2) Failure to plead fraud with the particularity required pursuant to F.R.C.P. 9(b).

**PLEASE TAKE FURTHER NOTICE** that, if this motion is denied, it is respectfully requested that this Court permit the Defendant, in accordance with Rule 12(a)(4) of the Federal Rules of Civil Procedure, to interpose an answer within thirty (30) days after notice of this Court's decision.

Dated: June 1, 2021  
Brooklyn, N.Y.

**ALEXANDER F. DUKE P.C.**

By: Alexander F. Duke  
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